UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
EM LTD. and NML CAPITAL, LTD.,	x :
Plaintiffs,	: : No. 06 Civ. 7792 (TPG)
- against -	: ECF Case
BANCO CENTRAL DE LA REPÚBLICA ARGENTINA and THE REPUBLIC OF ARGENTIN	; ; NA, ; ;
Defendants.	: : x

DECLARATION OF MICHAEL J. USHKOW

Michael J. Ushkow declares as follows:

- I am associated with Sullivan & Cromwell LLP, counsel for Banco
 Central de la República Argentina ("BCRA") in connection with the above-captioned action.
- I make this Declaration to put before the Court certain documents referred to in the Memorandum of Law in Support of BCRA's Motion to Dismiss, filed November 27, 2012.
- 3. Attached hereto as Exhibit A is a true and correct copy of the Third Amended Complaint filed by EM Ltd. and NML Capital, Ltd. (together, "EM/NML") on August 31, 2012 (Dkt. No. 157).
- 4. Attached hereto as Exhibit B is a true and correct copy and certified translation of *NML Capital Ltd.* v. *Federal Department of Foreign Affairs*, Swiss Federal Council (Oct. 17, 2012).

- 5. Attached hereto as Exhibit C is a true and correct copy of the Statutes of the Bank for International Settlements, Art. 55(3) (2005). 1
- 6. Attached hereto as Exhibit D is a true and correct copy of the Bank for International Settlements Headquarters Agreement, Art. 4.4 (2003).²

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 27, 2012

New York, New York

/s/ Michael J. Ushkow Michael J. Ushkow

Available at http://www.bis.org/about/statutes-en.pdf.

Available at http://www.bis.org/about/headquart-en.pdf.